

REMARKS

Claims 1-5 are pending in the present application.

Claims 1-5 stand rejected under 35 U.S.C. §112, second paragraph; claims 1-5 stand rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 5,792,400 to Talja et al.; and claims 1-5 stand rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 5,674,286 to D'Alessio et al.

Applicants have amended claims 1-5 to clarify the present invention. For example, independent claim 1 has been amended to clarify that the implant material is reinforced and that the implant itself has a helical configuration. Claims 2-5 have been amended to further assure that the claim language is consistent. Applicants respectfully submit that no new matter has been added and request withdrawal of the pending §112, second paragraph, rejections.

Applicants also request entry of an additional of two pages of Figures, including Figures 19-22. These Figures were inadvertently left out when the present application was filed on December 18, 2000, however, as this application is a child of application 08/304,082, which was incorporated by reference, the addition of these Figures (present in 08/304/082) does not include new matter. Therefore, Applicants respectfully request entry of the Figures.

Turning to prior art rejections, the Examiner cited two patents as anticipating the pending claims. However, neither patent is proper prior art under 35 U.S.C. §102(b or e).

The first patent, Talja et al. '400 is a divisional application of the parent application to this presently pending application. Therefore, this pending application and Talja et al. '400 are siblings. As such, they both have priority back to the same Fi 885164 patent, filed November 19, 1988. Therefore it is improper to cite Talja et al. '400 against the pending application.

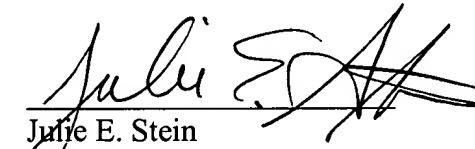
The second patent cited by the Examiner is D'Alessio et al., which has an effective U.S. filing date of February 12, 1991. As described above, the effective filing date of the present application is November 19, 1988. Therefore, D'Alessio et al. is not prior art under 35 U.S.C. §102(e).

In view of the above, Applicants respectfully submit that the application is in clear condition for allowance and prompt notification thereof is solicited. The Examiner is invited to contact the undersigned at (202) 220-4222 to discuss any matter concerning this application.

The Office is hereby authorized to charge any fees required under 37 C.F.R. " 1.16 or 1.17 or credit any overpayment to Kenyon & Kenyon's Deposit Account No. 11-0600.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

1. (Amended) A surgical implant comprising: a biodegradable material, wherein said material is internally reinforced in a longitudinal direction [having] and said implant has a helical configuration.
2. (Amended) The surgical implant of claim 1, wherein [the internal reinforcement comprises] elements selected from the group consisting of microfibrils and fibrils internally reinforce the material.
3. (Amended) The surgical implant of claim 1, wherein [the internal reinforcement comprises] elements selected from the group consisting of fibers, wires, braids, and ribbons internally reinforce the material.
4. (Amended) The surgical implant of claim 1, wherein the [helical configuration includes] implant has a screw-threaded configuration.
5. (Amended) The surgical implant of claim 1, further comprising a second biodegradable material wherein said second material is internally reinforced in a longitudinal direction [having] and said implant has a second helical configuration, wherein the helical configuration and the second helical configuration are at least partially nested within each other.